

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.30799 OF 1997

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DATED: 07-03-2007

Between:

Ch. Nemaji

.. Petitioner

and

The Divisional Engineer (Electric)
Construction & Operation Division,
A.P.S.E.B., Adilabad, Adilabad District and
another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.30799 OF 1997

ORDER:

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This writ petition is filed seeking a mandamus declaring the action of the respondents in not considering the case of the petitioner for promotion to the post of Line Inspector basing on the seniority in the cadre of Lineman, as arbitrary, illegal and violative of Articles 14 and 16 of the Constitution of India; and consequently to direct the respondents to consider the case of the petitioner for promotion to the post of Line Inspector, basing on the seniority in the cadre of Lineman, from the date on which the juniors to the petitioner were promoted.

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It is the case of the petitioner that he is working as a Lineman under the control of the respondents and he is qualified and fully eligible for being promoted to the post of Line Inspector. He is also senior in the cadre of Lineman. While so, in the year 1988, one person, by name, Donaiah made a false complaint against the petitioner stating that the petitioner did not study 8th class, but produced a false certificate. On that, the petitioner produced all the necessary certificates i.e. 8th Class Certificate, Memorandum of Marks of S.S.C. and Transfer Certificate, and requested the respondents to consider his case for promotion to the post of Line Inspector, since his juniors viz., Shaik Moiezuddin, M.Bhaskar, M.Donaiah, Shantaiah, Ratnaiah, D.Jobi and K.Ram Mohan were promoted, overlooking his case. To that effect, he has also made a representation dated 18.11.1996 requesting the respondents to consider his case for promotion basing on the seniority in the cadre of Lineman, but in vain. Therefore, he filed the present writ petition.

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Though, no interim order was passed initially, on filing W.P.M.P.No.7134 of 1998, an interim order was passed on 24.04.1998 and, according to the learned counsel for the petitioner, in pursuance of the said interim order, the case of the petitioner was considered for promotion to the post of Line Inspector and he was promoted with effect from 21.05.1998. Now, it is the grievance of the petitioner that he is entitled for being promoted to the said post on par with his juniors, whose names are indicated above. But, it is unfortunate that the details such as the date on which the juniors to the petitioner were promoted and the place of the petitioner in the seniority list of Lineman post, are not furnished.

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Under these circumstances, the respondents are directed to consider the case of the petitioner for being promoted to the post of Line Inspector on par with his immediate junior, who was promoted as Line Inspector, and pass appropriate orders as per law, within a period of six weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

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With the above direction, the writ petition is disposed of. No order as to costs.

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C.V. RAMULU, J

7th March, 2007.

Note:-

Issue Order copy in
one week.

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